



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## Rhode Island State Labor Relations Board

Building 73  
1511 Pontiac Avenue  
Cranston, Rhode Island 02920-4407

Website: [www.dlt.ri.gov/lrb](http://www.dlt.ri.gov/lrb)

### **OPEN MINUTES** **BOARD MEETING**

**TIME:** 9:00 a.m.  
**DATE:** Thursday, September 17, 2009  
**PLACE:** 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter J. Lanni, Chairman  
John R. Capobianco  
Ellen Jordan  
Frank Montanaro  
Gerald Goldstein  
Elizabeth Dolan

**OTHERS PRESENT:** Robyn H. Golden, Administrator  
Lisa L. Ribezzo, Labor Board Case Agent  
Margaret L. Hogan, Esq.

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Chairman Lanni called the meeting to order in Open Session at 9:05 a.m.

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All Board Members reviewed the Open Minutes of the August 18, 2009 Board Meeting. A Motion was made by John Capobianco and seconded by Elizabeth Dolan to accept the Open Minutes as written, and it was unanimously

**VOTED:** by all Board Members to accept the minutes as written.

The meeting continued in open session:

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### **CONSENT AGREEMENT & AFFIDAVIT CASES:**

1. Case No. EE- 3551  
Newport Housing Authority & Teamsters, Local 251 (Section 8 Assistant)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by John Capobianco, to acknowledge and accept the parties' signed agreement; that the position(s) of **Section 8 Assistant**, shall be and is hereby **accreted** to the bargaining unit as defined by Certification No. EE-3551. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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*An Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.*

2. Case No. EE- 3690  
Town of West Greenwich & RI Laborers District Council, Local 1322  
(Police Records Clerk)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by Ellen Jordan, to acknowledge and accept the parties' signed agreement; that the position(s) of **Police Records Clerk**, shall be and is hereby accreted to the bargaining unit as defined by Certification No. EE-3690. After discussion, all Board Members voted in favor of the Motion. Motion passed.

**DRAFTED DECISION AND ORDERS:**

1. Case No. ULP- 5841  
Warwick School Committee & Warwick Teachers' Union, AFT, Local 915

Walter Lanni, John Capobianco, Elizabeth Dolan, Frank Montanaro, Gerald Goldstein, and Ellen Jordan heard the above-entitled matter formally; along with reviewing the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the drafted Decision and Order of Dismissal, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan, to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Motion passed.

**ORDER:** The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

2. Case No. ULP- 5853  
Warwick School Committee & Warwick Independent School Employees' Union  
(WISE)

Walter Lanni, John Capobianco, Elizabeth Dolan, Gerald Goldstein, and Ellen Jordan heard the above-entitled matter formally; along with reviewing the transcript(s) and briefs, as well as the evidence submitted therein. Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to reconsider the vote taken on April 21, 2009 in the above-entitled matter. Gerald Goldstein and Walter Lanni voted in favor of the Motion. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.



After review of the issues in the above-entitled matter, a Motion was then made by Ellen Jordan and seconded by Elizabeth Dolan to dismiss the Complaint. After discussion, Gerald Goldstein voted in favor of the Motion. Walter Lanni, Frank Montanaro, and John Capobianco opposed the Motion. Motion failed.

A Motion was then made by Frank Montanaro and Ellen Jordan to uphold the charge and find that the Employer had committed an Unfair Labor Practice. After discussion, Walter Lanni and John Capobianco voted in favor of the Motion. Ellen Jordan, Elizabeth Dolan, and Gerald Goldstein opposed the Motion. Motion failed.

After review of the drafted Decision and Final Order of Failure to Conclude on Substantive Grounds, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Motion passed.

**ORDER:** The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

3. Case No. ULP- 5854  
Warwick School Committee & Warwick Independent School Employees' Union  
(WISE)

Walter Lanni, John Capobianco, Elizabeth Dolan, Gerald Goldstein, and Ellen Jordan heard the above-entitled matter formally; along with reviewing the transcript(s) and briefs, as well as the evidence submitted therein. Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to reconsider the vote taken on April 21, 2009 in the above-entitled matter. Gerald Goldstein and Walter Lanni voted in favor of the Motion. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.

After review of the issues in the above-entitled matter, a Motion was then made by Ellen Jordan and seconded by Elizabeth Dolan to dismiss the Complaint. After discussion, Gerald Goldstein voted in favor of the Motion. Walter Lanni, Frank Montanaro, and John Capobianco opposed the Motion. Motion failed.

A Motion was then made by Frank Montanaro and Ellen Jordan to uphold the charge and find that the Employer had committed an Unfair Labor Practice. After discussion, Walter Lanni and John Capobianco voted in favor of the Motion. Ellen Jordan, Elizabeth Dolan, and Gerald Goldstein opposed the Motion. Motion failed.

After review of the drafted Decision and Final Order of Failure to Conclude on Substantive Grounds, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Motion passed.

**ORDER:** The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

4. Case No. ULP- 5872  
State of Rhode Island – Department of Health & NEARI

Walter Lanni, John Capobianco, Elizabeth Dolan, Frank Montanaro, Gerald Goldstein, and Ellen Jordan heard the above-entitled matter formally; along with reviewing the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the drafted Decision and Order of Dismissal, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Motion passed.

**ORDER:** The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

5. Case No. ULP-5894  
Burrillville School Committee & Burrillville Teachers' Association/NEARI

Walter Lanni, John Capobianco, Elizabeth Dolan, Gerald Goldstein, and Ellen Jordan heard the above-entitled matter formally; along with reviewing the transcript(s) and briefs, as well as the evidence submitted therein. Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

After review of the drafted Decision, a Motion was made by Ellen Jordan and seconded by Gerald Goldstein to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Motion passed.

**ORDER:** 1) The Employer is hereby ordered to issue a written apology to Ms. Inzer. 2) The Employer hereby ordered to cease and desist from threatening employees with "insubordination" for exercising their rights to engage in protected activity. 3) The Employer is also required to post a copy of this decision and order on employee bulletin boards for a period of thirty days from the date of its receipt.



6. Case No. ULP- 5896  
City of Warwick & RI Laborers District Council, Local 1033

Walter Lanni, John Capobianco, Elizabeth Dolan, Frank Montanaro, Gerald Goldstein, Joseph Mulvey, and Ellen Jordan heard the above-entitled matter formally; along with reviewing the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the drafted Decision, a Motion was made by Frank Montanaro and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Motion passed.

**ORDER:** 1) The Employer is hereby ordered to reinstate and maintain the status quo relative to terms and conditions of employment for Crossing Guards that existed at the expiration of the most recent Collective Bargaining Agreement. This Order constitutes a final Order of the Board for appellate purposes. 2) The Employer is also ordered to immediately participate fully and completely in all statutory dispute resolution mechanisms provided for in the Municipal Employees Arbitration Act, up to and including interest arbitration, as has been demanded by the Union. The Employer shall maintain the status quo of the Crossing Guard employees during the pendency of all statutory dispute mechanism procedures. This Order constitutes a final Order of the Board for appellate purposes. 3) The Employer is also ordered to make whole, any and all employees who have lost benefits and/or wages as a result of the City's unilateral action. The Employer is hereby ordered to submit to this Board within thirty (30) days from the issuance of this Decision, a list of all affected employees and the amounts of wages/benefits that would have been due, at the rate set forth under the last year of the expired contract, had the Employer not unilaterally implemented terms and conditions of employment. The Employer shall simultaneously provide a copy of said filing to the Union. This Order constitutes a final Order of the Board for appellate purposes. 4) To the extent that there is any dispute as to the identity of the affected employees or the amount of wages or benefits due to the employees, pursuant to the immediately preceding Order, this Board retains jurisdiction of that issue. As such, this particular order (#4) is not a final Order of the Board at this time, for appellate purposes, but is interlocutory.

7. Case No. ULP- 5901  
Newport School Department & RI Council 94, AFSCME, AFL-CIO

A Motion was made Elizabeth Dolan and seconded by Frank Montanaro to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

8. Case No. EE- 3690  
Town of West Greenwich & RI Laborers District Council, Local 1322

A Motion was made Elizabeth Dolan and seconded by Frank Montanaro to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

**MISCELLANEOUS MATTERS:**

1. Case No. EE-3365  
State of Rhode Island – Judiciary (Supreme Court) and RI Laborers District Council, Local 808 (Certification of Representatives Amendment)

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan, and seconded by Elizabeth Dolan to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect a change in “position” name from Senior Management Analyst to Administrative Assistant. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. ULP- 5946  
East Providence School Committee & East Providence Educational Association

After review of the above-entitled Superior Court matter, a Motion was made by Frank Montanaro and seconded by Ellen Jordan to place this case into abeyance status, pending the resolution of the Declaratory Judgment in the matter currently pending before the Superior Court. All Board Members voted in favor of the Motion. Motion passed.

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John Capobianco made a Motion for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges, Miscellaneous Matters, and the Minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. Elizabeth Dolan seconded the Motion and it was unanimously

**VOTED:** for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:35 a.m.

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The meeting resumed in open session at 10:40 a.m. for the purposes of reading, into the Minutes, the determinations made by the Board in Closed Session.

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**UNFAIR LABOR PRACTICE CASES:**

1. Case No. ULP- 5969  
Town of North Providence & RI Council 94, AFSCME, AFL-CIO

**DETERMINATION:** matter tabled.

2. Case No. ULP- 5972  
Town of West Greenwich & RI Laborers District Council, Local 1322

**DETERMINATION:** issue a Complaint and proceed to formal hearing.

3. Case No. ULP- 5976  
East Providence School Committee & RI Council 94, AFSCME, AFL-CIO

**DETERMINATION:** matter to be dismissed.

4. Case No. ULP- 5979  
Town of Westerly & RI Laborers District Council, Local 808

**DETERMINATION:** issue a Complaint and proceed to formal hearing.

**MISCELLANEOUS MATTERS:**

1. Closed Minutes: June 24, 2008; August 19, 2008  
Motion to Open and Post Minutes

**DETERMINATION:** to open and post the Closed Minutes.

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A Motion to adjourn was made by John Capobianco and seconded by Elizabeth Dolan, and it was unanimously,

**VOTED:** to adjourn the meeting at 10:45 a.m.